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INVENTOR(S): Lawrence J. Gutkowski **CONFIRMATION NO:** 8183

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SUBJECT: ORGANIZING A DIGITAL IMAGE

THE COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313-1450

APPELLANTS/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 1-57 are pending and stand rejected. All pending claims are appealed.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 1 recites a method for organizing a digital image. The method includes identifying, within the digital image, a set of digitized objects. *See, e.g.*, Specification, paragraph [0034]. At least one digitized object within the digital image is then adjusted so that the adjusted digitized object at least substantially conforms to a prescribed state. *See, e.g.*, Specification, paragraph [0034].

Claim 23 recites a method for organizing a digital image. The method includes identifying, within the digital image, a set of digitized objects. *See, e.g.*, Specification, paragraph [0034]. An alignment grid for the digital image is provided. *See, e.g.*, Specification, paragraph [0037]. For each digitized object, that digitized object is rotated so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid. *See, e.g.*, Specification, paragraph [0038]. That digitized object is also positioned so that an edge of that digitized object is substantially in line with a grid line of the alignment grid. *See, e.g.*, Specification, paragraph [0038]. The steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image. *See, e.g.*, Specification, paragraph [0036].

Claim 24 recites a computer readable medium having instructions for identifying, within a digital image, a set of digitized objects. *See, e.g., Specification, paragraph [0028].* The medium also includes instructions for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. *See, e.g., Specification, paragraph [0030].*

Claim 46 recites a computer readable medium having instructions for identifying, within a digital image, a set of digitized objects and providing an alignment grid for the digital image. *See, e.g., Specification, paragraphs [0028]-[0032].* The medium also includes instructions for, for each digitized object, rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid and positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid. *See, e.g., Specification, paragraphs [0028]-[0032].*

Claim 47 recites a digital image organizing system that includes a detection module and an adjustment module, the detection module is operable to identify, within the digital image, a set of digitized objects. *See, e.g., Specification, paragraph [0028].* The adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. *See, e.g., Specification, paragraph [0030].*

Claim 55 recites multifunction peripheral that includes a scan engine, a detection module, an adjustment module, and a print engine. *See, e.g., Specification, paragraphs [0020] and [0028]-[0032].* The scan engine is operable to generate a digital image containing a set of digitized objects. *See, e.g., Specification, paragraph [0020].* Each of the digitized objects is an electronic replica of a physical object. *See, e.g., Specification, paragraph [0014].* The detection module operable to identify, within the digital image, a set of digitized objects. *See, e.g., Specification, paragraphs [0028]-[0032].* The adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a

prescribed state. *See, e.g.*, Specification, paragraphs [0028]-[0032]. The print engine is operable to produce the digital image on a media sheet. *See, e.g.*, Specification, paragraph [0020].

Claim 57 recites a digital image organizing system. That system includes a means for identifying, within the digital image, a set of digitized objects. *See, e.g.*, Specification, paragraph [0028]. The system also includes a means for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. *See, e.g.*, Specification, paragraph [0030].

6. GROUNDS FOR REJECTION TO BE REVIEWED.

A. Claims 1-5, 24-28, 47, 53, and 57 stand rejected under 35 USC §102 as being anticipated by US Pub 2002/0122067 to Geigel.

B. Claims 6-23, 29-46, and 48-52 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,738,154 issued to Venable.

C. Claims 55 and 56 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,999,207 issued to Nakane.

7. ARGUMENT.

A. **Ground For Rejection A – Claims 1-5, 24-28, 47, 53, and 57 stand rejected under 35 USC §102 as being anticipated by US Pub 2002/0122067 to Geigel.**

Claims 1, 24, 47, and 57 each recite, in various forms, identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. In short, these claims recite the existence of an digital image that contains a set of digitized objects. That very same digital image is altered by adjusting at least one of those digitized objects.

Rejecting these Claims, the Examiner makes the following statement at page 4 of the final office action:

Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the claimed detection module operable to identify, within the digital image, a set of digitized objects. Geigel also discloses the system 124 has the image Placement Module 132 that positions the images on each individual page along with other images (paragraph 77 and Figure 7), which reads on the claimed adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

In further explanation at page 3 of the final office action, the Examiner equates Geigel's 'album page' with the digital image recited in Claims 1, 24, 47, and 57. The Examiner also equates Geigel's 'images' the digital objects recited in those same claims. Based on this mapping of terms, the Examiner is asserting that Geigel teaches identifying digital objects (images) within a digital image (album page) and then adjusting at least one of those digital objects (images) within that digital image (album page).

The Examiner is mistaken. Geigel does not teach identifying images within a given album page and then adjusting at least one of those images to a prescribed state. Instead, Geigel teaches the creation of an album page by the selective placement of images thereon. To explain, the function of Geigel's Page Creator Module 126 is to place each of a plurality of images onto an album page. Geigel, paragraph [0088]. In other words, the Page Creator Module 126, using various algorithms, assigns an album page number to each of those images. Geigel, paragraph [0088]. The function of

Geigel's Image Placement Module is to position each of those images on the album page to which that image has been assigned. Geigel, paragraph [0119]. Once the images are placed on a given album page, they are not later identified or adjusted.

Consequently, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. For at least this reason, Claims 1, 24, 47, and 57 are patentable over Geigel. Claims 2-22, 25-45, and 48-54 are patentable based at least in part on their dependency from Claims 1, 24, and 47 respectively.

B. Ground For Rejection B – Claims 6-23, 29-46, and 48-52 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,738,154 issued to Venable.

Claims 6-22 are patentable over the cited references based at least on their dependency from Claim 1.

Claim 23 is directed to a method for organizing a digital image and recites the following:

1. identifying, within the digital image, a set of digitized objects;
2. providing an alignment grid for the digital image;
3. for each digitized object:
 - a. rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and
 - b. positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid; and
4. wherein the steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

In addition, Claim 23 makes it clear that the steps of identifying, rotating, and positioning, are performed upon the generation of the digital image. In this context, Merriam-Webster defines the term “upon” to mean “immediately following on: very soon after.” It follows then that the steps of identifying, rotating, and positioning are performed immediately on or soon after the generation of the digital image. That is -- the digital image is generated and then immediately or soon thereafter the steps of identifying, rotating, and positioning are performed. Geigel, on the other hand, mentions nothing of identifying images within an album page following the generation of that album page. Geigel only teaches the generation of an album page by selectively placing previously assigned images

For at least these reasons, Claim 23 is patentable over the cited references.

Claim 29-45 are patentable over the cited references based at least on their dependency from Claim 24.

Claims 46 is directed to a computer readable medium that has instructions for the following:

1. identifying, within a digital image, a set of digitized objects;
2. providing an alignment grid for the digital image; and
3. for each digitized object:
 - a. rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and

- b. positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within a digital image, a set of digitized objects or rotating, positioning, or otherwise adjusting a digitized object within a distinct digital image. Veneble is silent on these points.

For at least this reason, Claim 46 is patentable over the cited references.

Claim 48-52 are patentable over the cited references based at least on their dependency from Claim 47.

C. Ground For Rejection C – Claims 55 and 56 stand rejected under 35 USC §103 as being unpatentable over US Pub 2002/0122067 to Geigel in view of USPN 6,999,207 issued to Nakane.

Claim 55 is directed to a multifunction peripheral having various elements capable of implementing the method of Claim 1. As discussed above with respect to Claim 1, Geigel fails to teach or suggest identifying, within the digital image, a set of digitized objects and adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Nakane is silent on these points.

For at least this reason, Claim 55 and Claim 56 which depends from Claim 55 are patentable over the cited references.

CONCLUSION: Claims 1-57 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited.

Respectfully submitted,
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CLAIM LISTING

1. (previously presented) A method for organizing a digital image, comprising:
identifying, within the digital image, a set of digitized objects; and
adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.
2. (original) The method of Claim 1, wherein adjusting affects one or more of a size, a location, and an orientation of the digitized object.
3. (original) The method of Claim 1, further comprising generating the digital image of a set of objects, each of the set of digitized objects being a digital replica of one of the set of objects.
4. (original) The method of Claim 3, wherein the steps of identifying and adjusting are performed automatically upon generation of the digital image.
5. (original) The method of Claim 1 further comprising automatically instructing that the digital image be produced upon performing the steps of identifying and adjusting.
6. (original) The method of Claim 1, wherein adjusting comprises adjusting at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.
7. (original) The method of Claim 1, wherein adjusting comprises for at least one digitized object, aligning that object with and snapping that object to an alignment grid.

8. (original) The method of Claim 7, wherein aligning comprises identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

9. (original) The method of Claim 7, wherein snapping comprises identifying an alignment edge of that digitized object and positioning that digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

10. (original) The method of Claim 7, wherein snapping comprises identifying a first edge of that digitized object and a second edge of that digitized object, the first edge being substantially perpendicular to the second edge and positioning that digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

11. (original) The method of Claim 7, wherein snapping comprises assigning a snap line to the digitized object and positioning that digitized object so that the snap line is substantially in line with a grid line of the alignment grid.

12. (original) The method of Claim 7, wherein:

- aligning comprises identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and
- snapping comprises identifying an edge of that digitized object and positioning that digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

13. (original) The method of Claim 1, wherein adjusting comprises adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

14. (original) The method of Claim 1, wherein adjusting comprises for each digitized object, aligning the digitized object with and snapping the digitized object to an alignment grid.

15. (original) The method of Claim 14, wherein aligning comprises identifying an alignment axis for the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

16. (original) The method of Claim 14, wherein snapping comprises identifying an alignment edge of the digitized object and positioning the digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

17. (original) The method of Claim 14, wherein snapping comprises identifying a first edge of the digitized object and a second edge of the digitized object, the first edge being substantially perpendicular to the second edge and positioning the digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

18. (original) The method of Claim 14, wherein the set of digitized objects has a non-uniform object spacing, and wherein snapping comprises repositioning one or more of the digitized objects to establish a substantially uniform object spacing among the set of digitized objects.

19. (original) The method of Claim 14, wherein snapping comprises repositioning one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

20. (original) The method of Claim 19, wherein adjusting also comprises resizing at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

21. (original) The method of Claim 14, wherein adjusting also comprises, for each digitized object, resizing the digitized object to at least substantially conform to a pre-selected size.

22. (original) The method of Claim 14, wherein:

aligning comprises identifying an alignment axis of the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping comprises identifying an edge of the digitized object and positioning the digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

23. (original) A method for organizing a digital image, comprising:

identifying, within the digital image, a set of digitized objects;

providing an alignment grid for the digital image;

for each digitized object:

rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and

positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid; and

wherein the steps of identifying, providing, rotating, and positioning are performed automatically upon generation of the digital image.

24. (original) A computer readable medium having instructions for:

identifying, within a digital image, a set of digitized objects; and

adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

25. (original) The medium of Claim 24, wherein the instructions for adjusting affect one or more of a size, a location, and an orientation of the digitized object.

26. (original) The medium of Claim 24, having further instructions for generating the digital image of a set of objects, each of the set of digitized objects being a digital replica of one of the set of objects.

27. (original) The medium of Claim 26, wherein the instructions for identifying and adjusting are executed automatically upon generation of the digital image.

28. (original) The medium of Claim 24 having further instructions for automatically instructing that the digital image be produced upon execution of the instructions for identifying and adjusting.

29. (original) The medium of Claim 24 wherein the instructions for adjusting include instructions for adjusting at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.

30. (original) The medium of Claim 24, wherein the instructions for adjusting include, for at least one digitized object, instructions for aligning that object with and snapping that object to an alignment grid.

31. (original) The medium of Claim 30, wherein the instructions for aligning include instructions for identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

32. (original) The medium of Claim 30, wherein the instructions for snapping include instructions for identifying an alignment edge of that digitized object and positioning that digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

33. (original) The medium of Claim 30, wherein the instructions for snapping include instructions for identifying a first edge of that digitized object and a second edge of that digitized object, the first edge being substantially perpendicular to the second edge and positioning that digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

34. (previously presented) The medium of Claim 30, wherein snapping comprises assigning a snap line to the digitized object and positioning that digitized object so that the snap line is substantially in line with a grid line of the alignment grid.

35. (original) The medium of Claim 30, wherein the instructions for: aligning include instructions for identifying an alignment axis of that digitized object and rotating that digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping include instructions for identifying an edge of that digitized object and positioning that digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

36. (original) The medium of Claim 30, wherein the instructions for adjusting include instructions for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

37. (original) The medium of Claim 24, wherein the instructions for adjusting include, for each digitized object, instructions for aligning the digitized object with and snapping the digitized object to an alignment grid.

38. (original) The medium of Claim 37, wherein the instructions for aligning include instructions for identifying an alignment axis for the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid.

39. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for identifying an alignment edge of the digitized object and positioning the digitized object so that the alignment edge is substantially in line with a grid line of the alignment grid.

40. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for identifying a first edge of the digitized object and a second edge of the digitized object, the first edge being substantially perpendicular to the second edge and positioning the digitized object so that the first edge is substantially in line with a first grid line of the alignment grid and the second edge is substantially in line with a second grid line of the alignment grid.

41. (original) The medium of Claim 37, wherein the set of digitized objects has a non-uniform object spacing, and wherein the instructions for snapping include instructions for repositioning one or more of the digitized objects to establish a substantially uniform object spacing among the set of digitized objects.

42. (original) The medium of Claim 37, wherein the instructions for snapping include instructions for repositioning one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

43. (original) The medium of Claim 42, wherein the instructions for adjusting also include instructions for resizing at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

44. (original) The medium of Claim 37, wherein the instructions for adjusting also include instructions, for each digitized object, resizing the digitized object to at least substantially conform to a pre-selected size.

45. (original) The medium of Claim 37, wherein the instructions for:
aligning include instructions for identifying an alignment axis of the digitized object and rotating the digitized object so that the alignment axis is generally parallel with an axis of the alignment grid; and

snapping include instructions for identifying an edge of the digitized object and positioning the digitized object so that the identified edge is substantially in line with a grid line of the alignment grid.

46. (original) A computer readable medium having instructions for:
identifying, within a digital image, a set of digitized objects;
providing an alignment grid for the digital image; and
for each digitized object:
rotating that digitized object so that an alignment axis of that digitized object is generally parallel with an axis of the alignment grid; and
positioning that digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

47. (original) A digital image organizing system, comprising:
a detection module operable to identify, within the digital image, a set of digitized objects; and
an adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

48. (original) The system of Claim 47, wherein the adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object shares a generally uniform state with another digitized object.

49. (original) The system of Claim 47, wherein the adjustment module is operable to:

rotate the digitized object so that an alignment axis of the digitized object is generally parallel with an axis of an alignment grid; and

position the digitized object so that an edge of that digitized object is substantially in line with a grid line of the alignment grid.

50. (original) The system of Claim 47, wherein the adjustment module is operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed location, orientation, and size.

51. (original) The system of Claim 47, wherein the adjustment module is operable to reposition one or more of the digitized objects to establish, across a dimension of the digital image, a substantially uniform object spacing among the set of digitized objects.

52. (original) The system of Claim 47, wherein the adjustment module is operable to resize at least one digitized object so that one or more of the digitized objects substantially spans the dimension of the digital image.

53. (original) The system of Claim 47, further comprising an interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image.

54. (original) The system of Claim 53, further comprising an interface module operable to send instructions for producing the digital image once the detection module and the adjustment module have performed their functions.

55. (original) A multifunction peripheral, comprising:

- a scan engine operable to generate a digital image containing a set of digitized objects, each of the digitized objects being an electronic replica of a physical object;
- a detection module operable to identify, within the digital image, a set of digitized objects;
- an adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state; and
- a print engine operable to produce the digital image on a media sheet.

56. (original) The multifunction peripheral of Claim 55, further comprising an interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image by the scan engine and to instruct the print engine to produce the digital image once the detection module and the adjustment module have performed their functions.

57. (original) A digital image organizing system, comprising:

- a means for identifying, within the digital image, a set of digitized objects; and
- a means for adjusting at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.